

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE  
BOARD MEETING  
THURSDAY JUNE 4, 2009  
INDIANA GOVERNMENT CENTER SOUTH  
402 W WASHINGTON STREET, CONFERENCE CENTER, ROOM A  
INDIANAPOLIS, IN 46204**

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

Matthew Drury, Chairman  
Theodore Mau, Vice Chairman  
Samuel Frain  
James Todd  
John Gerlach  
David McComb  
Anne M. Patterson  
Roland Cutter

**BOARD MEMBERS ABSENT:**

Paul St. Pierre  
Corey Ealy, State Board of Health

**STATE OFFICIALS PRESENT:**

Tracy Hicks, Board Director  
Christina Wiseley, Assistant Board Director  
Kevin McDowell, Deputy Attorney General  
Jeanne Tucker, Compliance Officer  
Larry Harvey, Compliance Officer  
Joseph Basile, Deputy Attorney General

**MINUTES TRANSCRIBED AND  
COMPILED BY:**

Tracy Hicks, Board Director

**MINUTE NO. 09-40  
CALL TO ORDER**

The meeting was called to order at 11:00 a.m. by M. Drury, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

**MINUTE NO. 09-41  
ADOPTION OF THE JUNE4, 2009 AGENDA AS AMENDED**

S. Frain moved to adopt the June 4, 2009 agenda as amended. J. Gerlach seconded the motion. Motion carried.

**MINUTE NO. 09-42  
ADOPTION OF THE MINUTES OF APRIL 2, 2009 MEETING**

R. Cutter moved to adopt the minutes of the April 2, 2009 meeting. J. Gerlach seconded the motion. Motion carried.

**MINUTE NO. 09-43  
ADMINISTRATIVE HEARING REGARDING IN THE MATTER OF PHILIP ENGEL, FD08800224,  
SBFCS 07-05**

S. Frain moved to find Philip Engel, FD08800224, SBFCS 07-05 in default. A. Patterson seconded the motion. Motion carried.

S. Frain moved to revoke the license, impose costs of proceedings, and impose a fine of \$1000.00 for each count indicated in the complaint In the matter of Philip Engel, FD08800224, SBFCS 07-05. A. Patterson seconded the motion. Motion carried.

**MINUTE NO. 09-44**

**APPLICATIONS FOR RENEWAL OF FUNERAL HOME LICENSE AND PERSONAL APPEARANCE**

S. Frain moved to deny the application for funeral home license in the matter of Cook Funeral Home, Inc., FH83000605. R. Cutter seconded the motion. Voting in favor: S. Frain and R. Cutter. Opposed: J. Todd and A. Patterson. Abstained: M. Drury. Motion failed.

J. Todd moved to renew the license on probationary status with the following stipulations; owner David Cook, FD01005263, shall complete 50 hours of continuing education in business operation and ethics to be completed my June 4, 2010 and provide proof of payment and certificates of completion. The continuing education requirement will include the 10 hours normally required. He further moved to require a professional review by Indiana Funeral Directors Association at a cost to Mr. Cook to be completed within 60 days and require periodic inspections by the agency to include detailed reports regarding all preneed documents. R. Cutter Seconded. Voting against: S. Frain. Motion carried.

**MINUTE NO. 09-45**

**APPLICATION FOR FUNERAL DIRECTOR LICENSE BY RECIPROCITY**

It was the decision of the board to deny the application for reciprocity license in the matter of Frank Gaither because he failed to meet the reciprocity licensing requirements.

**MINUTE NO. 09-46**

**VERIFIED COMPLAINT REVIEW COMMITTEE APPOINTED**

J. Todd, T. Mau, and A. Patterson volunteered to serve on a committee that would review verified complaints requesting restitution from the preneed consumer protection fund prior to each meeting. Files will be sent to the committee electronically and a report prepared for the board. J. Todd will review the application and provide T. Hicks with revisions and filing instructions to expedite processing.

**MINUTE NO. 09-47**

**VERIFIED COMPLAINTS REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND**

J. Todd moved to approve \$550.00 plus interest not to exceed \$1395.00 for the lawn crypt and \$495.00 plus interest not to exceed \$1390.00 for the memorial in the matter of Retta Carlson, Re: Grandview Memorial Gardens, CM40100006. S. Frain seconded the motion. Motion carried.

J. Gerlach moved to approve \$550.00 plus interest not to exceed \$1390.00 for the lawn crypt and \$495.00 plus interest not to exceed \$895.00 for the opening and closing in the matter of Jolene Carvin, Re: Grandview Memorial Gardens, CM40100006. J. Todd seconded the motion. Motion carried.

J. Todd moved to approve \$590.00 for the opening and closing in the matter of Carroll L. Hamilton, Re: Grandview Memorial Gardens, CM40100006. M. Drury seconded the motion. Motion carried.

J. Gerlach moved to approve \$1656.15 for the companion memorial, \$825.00 plus interest not to exceed \$1120.00 for the vault, and \$595.00 plus interest not to exceed \$895.00 for the opening and closing in the matter of Charles Hoover, Re: Grandview Memorial Gardens, CM40100006. J. Todd seconded the motion. Motion carried.

A. Patterson moved to approve \$395.00 plus interest not to exceed \$895.00 for the opening and closing in the matter of Dennis Lory, Re: Grandview Memorial Gardens, CM40100006. J. Gerlach seconded the motion. Motion carried.

T. Mau moved to approve \$758.50 for the memorial in the matter of Bernard Schafer, Re: Grandview Memorial Gardens, CM40100006. A. Patterson seconded the motion. Motion carried.

A. Patterson moved to approve \$745.00 plus interest not to exceed \$960.00 for the vault in the matter of Ware Funeral Home, Re: Grandview Memorial Gardens, CM40100006. S. Frain seconded the motion. Motion carried.

A. Patterson moved to approve \$1295.00 plus interest not to exceed \$2869.74 for the memorial in the matter of Richard Watterson, Re: Grandview Memorial Gardens, CM40100006. D. McComb seconded the motion. Motion carried.

A. Patterson moved to approve \$745.00 plus interest not to exceed \$1590.00 for the lawn crypt and \$1095.00 for the memorial in the matter of Lillian White, Re: Grandview Memorial Gardens, CM40100006. J. Gerlach seconded the motion. Motion carried.

A. Patterson moved to approve \$550.00 plus interest not to exceed \$1590.00 for the lawn crypt and \$2290.00 plus interest not to exceed \$4951.11 for the memorial in the matter of Kevin and M. Donna Wood, Re: Grandview Memorial Gardens, CM40100006. M. Drury seconded the motion. Motion carried.

#### **MINUTE NO. 06-48 CORRESPONDENCE**

Carolyn Johnson, Vice President of Client Services, Everest regarding their PriceFinder data base. The board had no comment.

Ruth Kline, Covington Memorial Gardens & Funeral Home. They may have a mailing address different from where they actually sell but the certificate of authority record should reflect the address where preneed goods and services are sold.

#### **MINUTE NO. 09-49 REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES, APPROVED**

S. Frain moved to approve the continuing education sponsors and courses as follows. M. Drury seconded the motion. Motion carried.

#### **NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS**

##### **Batesville Casket Company, One Batesville Blvd., Batesville, IN 47006**

- Research to Results, ongoing, 2 ceu
- Getting a Deeper Grasp on Cremation Consumers, ongoing, 3 ceu

##### **Cape School, Inc., P.O. Box 169, Buckingham, VA 23921**

- HIV/AIDS – How Far Have We Really Come?, ongoing, 4 ceu

##### **Funeral CE, P.O. Box 850127, Richardson, TX 75085-0127**

- Pre-Need Planning, online, ongoing, 7 ceu

##### **Interna**

- Seminar #3D, Embalming Skills Seminar, May 9-12, 2009, 23 ceu
- Seminar #3D, Embalming Skills Seminar, September 5-8, 2009, 23 ceu
- Seminar #2D, Soft Tissue Injuries Waxing & Airbrush, May 13-25, 2009, 18 ceu
- Seminar #2D, Soft Tissue Injuries Waxing & Airbrush, September 9-11, 2009, 18 ceu
- Seminar #5D, Advanced Post Mortem Reconstructive Surgery, May 16-20, 2009, 40 ceu
- Seminar #5D, Advanced Post Mortem Reconstructive Surgery, September 12-16, 2009, 40 ceu
- Seminar #4D, Advanced II Post Mortem Reconstructive Surgery, May 23-27, 2009, 30 ceu
- Seminar #4D, Advanced II Post Mortem Reconstructive Surgery, September 19-23, 2009, 30 ceu

**Funeral CE, P.O. Box 850127, Richardson, TX, 75085-0127**

- Effective and Ethical Communication with Seniors, online, ongoing, 10 ceu
- Maximizing Integrity in Decisions with Seniors, online, ongoing, 10 ceu

**International Order of the Golden Rule, 13523 Lakefront Drive, Earth City, MO 63045**

- Golden Rule School, June 8-10, 2009, 21 ceu
- Technology for Today's Funeral Professional, June 8, 2009, 7 ceu
- Sharpening Your Prep Room Skills, June 9, 2009, 7 ceu
- Developing Personal Service – The Seven Keys, June 10, 2009, 7 ceu

**Indiana Public Health Foundation, 3512 Rockville Rd. Suite 138-C, Indianapolis, IN 46222**

- Health Risks of Sleep Deprivation, June 11, 2009, 1 ceu
- Problems of Embalming the Obese, June 11, 2009, 1 ceu
- Quality Techniques in Cosmetizing, June 11, 2009, 1 ceu
- Interact Embalm Chemicals/Chemo Patients, June 11, 2009
- Trends in Green Burials, June 11, 2009
- Final Arrangements – People and Pets, November 5, 2009
- Newly Emerging Diseases, November 5, 2009
- Update on Mass Fatality Plans, November 5, 2009
- Circ Probs, Burns, Sev Inj and Embalm Proced, November 5, 2009
- New Developments in Organ Donations, November 5, 2009

**Indiana State Coroners Association**

- 2009 Continued Education Conference Death Investigation, June 12-14, 2009, 20 ceu

**Selected Independent Funeral Homes, 500 Lake Cook Road, Suite 205, Deerfield, IL 60015**

- District Meeting Day 1 – Cremation Best Practices, June 15, 2009, 4 ceu
- District Meeting Day 2 – Revenue Enhancements & FTC Compliance, June 16, 2009, 7 ceu

**MINUTE NO. 09-50  
RULES COMMITTEE**

The committee did not meet.

**MINUTE NO. 09-51  
ADJOURNMENT**

There being no further business to discuss, the meeting was adjourned at 2:40 p.m.

Dated: August 4 2009

Matthew Drury  
Matthew Drury,  
Chairman

Attest: Tracy Hicks  
Tracy Hicks, Board Director